

April 16, 2014

ZONING BOARD OF APPEALS MEETING

Present: Timothy Morgan, Chairman
Roberta Lobur
David Pann
Richard Hegmann
Daniel D. Shonn, Esq.
Michael Borth, Code Enforcement Officer

The Zoning Board of Appeals met on this date at 7:17 P.M. to hear the application of:

Kurt Schie for an area variance and a Special Use Permit under Chapter 165 of the Code of the Village of Akron for the premises commonly known as 42 Jackson Street

Chairman Morgan called Kurt Schie and his Legal Representative Marc Romanowski to the table.

The Secretary read the proof of publications and requested the proof of required signatures and notifications of the neighbors within 200 feet of 42 Jackson Street. The Board accepted an Affidavit of Service from Attorney Romanowski and copy of Notice Letter to the Town of Newstead. The Zoning Board of Appeals has proper jurisdiction based on their notice for the Special Use Permit application and notice of the variance application.

Chairman Morgan asked Mr. Romanowski to explain the project to the members of the Zoning Board of Appeals. Mr. Romanowski explained to the Board that the project began with a rezoning of the

property from R-3 to I-1 which was approved by the Planning Board and Village Board along with a site plan of the project. He stated that Mr. Schie would like to expand his business which would include building three small additions onto an existing building and constructing a new pole barn. Mr. Schie's company, Woodmaxx Power Equipment Ltd., assembles, stores and distributes power equipment and related office functions all of which is consistent with the use allowed by a special use permit in the I-1 district. The required side and rear yard setback in the I-1 district is 50 feet from any R district. The planned additions to the existing building near the parcel's eastern boundary will be located approximately 19 feet from the property line at its nearest point, adjacent to R-2 and R-3 properties. Mr. Schie will also be widening the existing driveway to eliminate truck packing on Jackson Street. He will also be installing a fire hydrant to comply with the Village Code to have a hydrant within 400' of any buildings.

Residents Ray and Donna Fisher of 35 Jackson Street came before the Board to support the project. Mr. Fisher has been very impressed with the operation and is very pleased with the clean site and clean operation.

Residents Norman and Nancy Frey from 15 Brodies Way came to the meeting to learn more about the project. After the brief summary of the operation they have no objection to the project.

Resident David Harsch from 14 Jackson Street also has no objection to the project.

Village Attorney Shonn stated that both the Planning Board and Village Board have been involved in this project since January 2014 and both Boards have been given the proper paperwork, 100% facts, and answered questions with very prepared applications.

Code Enforcement Officer Michael Borth stated that Mr. Schie has done his due diligence.

Chairman Morgan led discussion regarding the addition of more natural site and sound barriers after his recent visit to the site especially between the Westgate Apartments and the new project. Mr. Schie stated that he also owned the Westgate Apartments and would not want to devalue them in anyway. At this time there is a line of natural brush that exists at the mentioned site but would consider putting in more after the project is completed. The end recommendation was that any trees taken down must be replaced

somewhere on the property. The Zoning Board of Appeals found that there was sufficient factual basis in the record to grant a Special Use Permit and the variance as requested in the applications, Chairman Morgan requested resolutions;

RESOLUTION duly moved by David Pann and seconded by Richard Hegmann to approve the Application of Kurt Schie for a Special Use Permit to assembly, store, distribute power equipment and perform office functions on the property known as 42 Jackson Street. The permit will expire on September 30, 2015 be and hereby is approved.

Adopted:	Timothy Morgan	- Aye
	Roberta Lobur	- Aye
	David Pann	- Aye
	Richard Hegmann	- Aye

RESOLUTION duly moved by Richard Hegmann and seconded by Roberta Lobur to approve the Application of Kurt Schie for a side and rear variance for the proposed additions on an existing building at 42 Jackson Street as shown on site plan as submitted to comply with the required 50' side and rear setback from an I-1 district to an R district be and hereby is approved.

Adopted:	Timothy Morgan	- Aye
	Roberta Lobur	- Aye
	David Pann	- Aye
	Richard Hegmann	- Aye

On motion of David Pann and seconded by Richard Hegmann at 7:48 P.M. this meeting was ADJOURNED.